

**UNITED STATE DISTRICT COURT
DISTRICT COURT OF MASSACHUSETTS**

NKEM ECHEM, *
 Petitioner *
 *
 *
 v. *
 *
JOHN ASHCROFT *
ATTORNEY GENERAL, *
 Respondent *

FILE NO:

ALIEN NO: A 46-117-237

PETITIONER'S MOTION FOR STAY OF REMOVAL AND OR DEPORTATION

Now comes the Petitioner Nkem Echem and through counsel respectfully moves the Honorable Court to order an injunction on the United States Department of Homeland Security, Citizenship and Immigration Services and the US Marshalls Department from the United States pending the final determination of her appeals form the final order of the BIA, entered on January 31,2002.

In support of the above statement, the petitioner state that the BIA erred in law when affirmed the final order of removal of the IJ entered on May 16, 2001.

The petitioner states that the BIA erred when it failed to reverse and reverse and remand the final order of the IJ, on the order absenting entered on May 16, 2001 against the

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petitioner for her removal to her native country, in violation of Section 237 (a) (01) (d) (i).

The petitioner states further that the BIA erred by its failure to removal, thereby foreclosing on the chances of the petitioner being able to present her case on the merit and giving the opportunity to defend her claim for petition for relief based on the application for waiver on the requirement under Section 216(a) for joint petition to remove the conditional status of her immigration petition based on her marriage to a US Citizen spouse.

The petitioner states she has, and would meet the prima facie threshold of eligibility for the relief, if given the opportunity to present her claims on the writ.

The petitioner states that she lived in the same residence for over 4 years and did not received the notice of the hearing allegedly sent by the Immigration court; on which she would have appeared in Court in response to the charges of deportability.

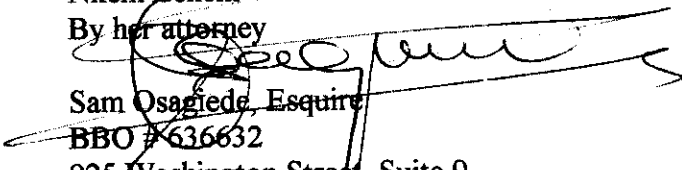
The petitioner states that she is not a public safety risk; not a flight risk and has never been convicted of any crime of aggravated felonies.

Wherefore she asks the Honorable Court to order that her removal be stopped pending the final determination in this matter.

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RESPECTFULLY SUBMITTED,

The Petitioner
Nkem Echem
By her attorney


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